

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BRENDA J. JONES,)	
)	
Plaintiff,)	
)	
v.)	CA No. 3:09cv81(JRS)
)	
TARGET CORPORATION,)	
)	
and)	
)	
GREGORY ANDERSON,)	
)	
Defendants.)	

First Amended Complaint

Plaintiff Brenda J. Jones ("Jones"), by counsel, submits the following First Amended Complaint against defendant Target Corporation ("Target") and defendant Gregory Anderson ("Anderson") (jointly referred to as "Defendants").

I. Introduction

1. This is an state common law action for malicious prosecution which arises out of Defendants' initiation of criminal prosecution against Jones maliciously without probable cause.

II. Jurisdiction and Venue

2. This Court lacks jurisdiction of this action because there is not complete diversity of citizenship pursuant to 28 U.S.C. § 1332 (diversity of citizenship).

3. Venue lies in this Court because the events giving rise to Jones' cause of action occurred within the geographical boundaries of the Richmond Division of the United States District Court for the Eastern District of Virginia.

III. Parties

4. Jones is an adult citizen of Virginia.

5. Target is a Minnesota corporation, with its principal place of business located in Minnesota.

6. Target is engaged in the operation of retail stores throughout the United States, including the operation of a retail store located at 7107 Forest Hill Avenue, Richmond, Virginia, 23225 (the "Target Store").

7. Anderson is an adult citizen of Virginia.

8. At all times relevant to this action, Anderson was an employee and agent of Target, serving as a loss prevention manager within Target's Mid-Atlantic Region, which includes the Target Store.

IV. Facts

9. On March 26, 2005, Jones was shopping at the Target Store.

10. Jones paid for several items with a check in the amount of \$43.09; her check was check number 3314, drawn on her checking account at the Virginia Credit Union.

11. Jones' check was a good and valid check, drawn on sufficient funds; Target received payment from the Virginia Credit Union for Jones' check.

12. Anderson, for and on behalf of Target, erroneously and without probable cause, determined that on March 26, 2005, Jones had acted criminally in using a bad check to obtain items from the Target Store.

13. Anderson never contacted Jones with regard to any suspicion of criminal conduct or the initiation of any criminal prosecution against Jones.

14. Anderson's erroneous determination that Jones had acted criminally was without probable cause and malicious.

15. Anderson, acting for and on behalf of Target, initiated criminal prosecution against Jones maliciously without probable cause.

16. On March 12, 2007, Jones was arrested on four criminal charges:

a. Forge and utter a stolen check #1048 in the amount of \$43.09 (§ 18.2-172) - a felony;

b. Forge and utter a stolen check #1042 in the amount of \$119.26 (§ 18.2-172) - a felony;

c. Steal U.S. currency valued at less than \$200 (\$43.09) and belonging to Target (§ 18.2-96) - a misdemeanor; and

d. Steal U.S. currency valued at less than \$200 (\$119.26) and belonging to Target (§ 18.2-96) - a misdemeanor.

17. On March 12, 2007, Jones was arrested, processed, and released on a recognizance bond.

18. On March 13, 2007, Jones was arraigned on the four criminal charges described above in the General District Court of the City of Richmond, Manchester Division.

19. Jones hired an attorney (Craig Cooley) and paid the attorney a flat fee of \$3,500 to defend her against the false criminal charges brought against her.

20. Jones suffered fear, humiliation, embarrassment, anxiety, mental anguish, emotional distress, and ill health because of the criminal prosecution against her.

21. On May 16, 2007, after learning that Jones had not committed the criminal acts alleged, the Commonwealth's Attorney nolle prossed the criminal charges against Jones.

22. On May 16, 2007, the criminal prosecution against Jones ended in a manner not unfavorable to Jones.

V. Cause of Action - Malicious Prosecution

23. Defendants willfully, wantonly, and maliciously initiated criminal prosecution against Jones without probable cause; as the proximate result of Defendants' tortious act, Jones has suffered lost wages, additional pecuniary damages in the amount of \$3,500, and fear, humiliation, embarrassment, anxiety,

mental anguish, emotional distress, and ill health.

VI. Punitive Damages

24. The tortious acts of Defendants, as alleged in this Complaint, make an award of punitive damages against Defendants, jointly and severally, appropriate and proper.

VII. Jury Demand

25. Jones demands trial by jury.

VIII. Prayer for Relief

WHEREFORE, Jones asks that this Court grant Judgment in her favor against Defendants, jointly and severally, and award her the following relief:

26. Compensatory damages in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000);

27. Punitive damages in the amount of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000);

28. Pre- and post judgment interest at the legal rate;

29. Costs incurred; and

30. Such other and further relief as is proper.

Dated this 2nd day of April, 2009.

Respectfully submitted,

BRENDA J. JONES, By Counsel.

s/ David R. Simonsen, Jr.

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Certificate of Service

I certify that on this 2nd day of April, 2009, I will electronically file this First Amended Complaint as an attachment to Plaintiff's Motion for Leave to Amend Complaint with the Clerk of this Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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